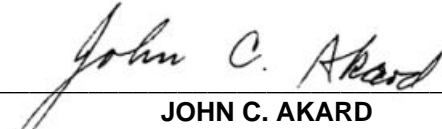




SIGNED this 20th day of February, 2013.



JOHN C. AKARD
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:	§	CASE NO. 11-30977-hcm
	§	
DHC REALTY, INC.	§	
	§	CHAPTER 11
Debtor.	§	

DHC REALTY, LLC; CHOWAIKI	§	
HOLDINGS, LLC, EL PASO DHC	§	ADV. NO. 12-3012-hcm
ENTERPRISES, LLC, EL PASO DHC	§	
ENTERPRISES FAR EAST, LLC,	§	
EL PASO DHC ENTERPRISES	§	
WEST, LLC, AND DAVID CHOWAIKI,	§	
	§	
Plaintiffs and Counter-Defendants	§	
v.	§	
	§	
ARMANDO ARMENDARIZ	§	
YVETTE ARMENDARIZ, AND	§	
HECTOR ARMENDARIZ,	§	
Defendants and Counter-Plaintiffs.	§	

**ORDER GRANTING PLAINTIFF/COUNTER-DEFENDANTS' PARTIAL MOTION TO
DISMISS COUNTERCLAIM FOR FAILURE TO STATE A CLAIM (DOCKET NO. 31)**

On February 13, 2012, the Court conducted a hearing on the Partial Motion to Dismiss Counterclaim For Failure to State a Claim ("Motion")(docket no. 31) filed by DHC Realty, LLC,

Chowaiki Holdings, LLC, El Paso DHC Enterprises, LLC, El Paso DHC Enterprises Far East, LLC, El Paso DHC Enterprises West, LLC, and David Chowaiki, as Plaintiffs and Counter-Defendants herein (collectively “Plaintiffs/Counter-Defendants”). After considering the Motion, the Response thereto filed by Armando Armendariz, Yvette Armendariz, and Hector Armendariz, as Defendants and Counter-Plaintiffs herein (collectively “Defendants/Counter-Plaintiffs”), the Reply filed by Plaintiffs/Counter-Defendants, the pleadings, the record, and the arguments and statements of counsel, finds that the Motion should be granted and that the following Order should be entered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

1. The Motion is GRANTED; and
2. All of the claims asserted by Armando Armendariz, Yvette Armendariz, and Hector Armendariz (herein “Defendants/Counter-Plaintiffs”) in their Counterclaim (docket no. 29) against DHC Realty, LLC, Chowaiki Holdings, LLC, El Paso DHC Enterprises, LLC, El Paso DHC Enterprises Far East, LLC, El Paso DHC Enterprises West, LLC, and David Chowaiki (herein “Plaintiffs/Counter-Defendants”) are hereby DISMISSED, except for Yvette Armendariz’s cause of action for breach of contract against David Chowaiki.

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